

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

**UNIVERSAL LIFE CHURCH)
MONASTERY STOREHOUSE, a)
Washington non-profit corporation;)
ERIN PATTERSON, individually;)
GABRIEL BISER, individually; and)
JAMES WELCH, individually,)**

Plaintiffs,

v.

**WAYNE NABORS, in his official)
capacity as County Clerk of Putnam)
County, Tennessee; LISA DUKE)
CROWELL, in her official capacity as)
County Clerk of Rutherford County,)
Tennessee; WILLIAM KNOWLES,)
in his official capacity as County Clerk)
of Hamilton County, Tennessee;)
ELAINE ANDERSON, in her official)
capacity as County Clerk of Williamson)
County, Tennessee; and HERBERT H.)
SLATERY, III, in his official capacity as)
Attorney General of the State of)
Tennessee.)**

Defendants.

CIVIL ACTION NO.: 2:19-cv-00049

Chief Judge Waverly D. Crenshaw

Magistrate Judge Alistair Newbern

**WILLIAMSON COUNTY CLERK ELAINE ANDERSON, HAMILTON COUNTY
CLERK WILLIAM KNOWLES, PUTNAM COUNTY CLERK WAYNE NABORS
AND RUTHERFORD COUNTY CLERK LISA DUKE CROWELL’S JOINT
MOTION FOR LEAVE TO FILE A RULE 12 MOTION TO DISMISS**

Come Williamson County Clerk Elaine Anderson; Hamilton County Clerk William Knowles; Putnam County Clerk Wayne Nabors; and Rutherford County Clerk Lisa Duke Crowell, in their official capacities (“the County Clerks”), and pursuant to this Court’s Order dated July 3, 2019 (Doc. 53) respectfully request that this Court grant leave

for them to file a Rule 12 Motion to Dismiss the claims against them. The County Clerks file this Motion prior to the Initial Case Management Conference scheduled for July 19, 2019 in hopes of facilitating the ability to incorporate timing for the filing of a Motion to Dismiss into the Case Management Order.

For cause, the County Clerks would show that they have no interest in any substantive matter that is before the Court, and in fact are not proper parties to this litigation, or are, at best, nominal parties. The County Clerks would argue that they should be permitted to present an early motion arguing that Plaintiffs have failed to state a claim upon which relief can be granted where the Amended Complaint does not allege that they have taken any action, or failed to take any action, that has caused harm to Plaintiffs. The County Clerks would further show that Plaintiffs have offered no justiciable claim against them and that allowing them to seek early dismissal of the claims against them will help to expedite, rather than prolong, this litigation. Where the County Clerks will incur attorneys fees and costs to continue defending this litigation, and where Plaintiffs have sought attorneys fees and costs against all Defendants, without any articulated justification as to why the County Clerks would be liable for such, an early resolution to these claims serves not only the interests of justice as to the County Clerks but the taxpayers in their respective counties.

The County Clerks have conferred with all counsel pursuant to Local Rule 7.01(a)(1), and Plaintiffs' counsel has advised that they oppose the Motion. In support of this Motion, the County Clerks submit an accompanying Memorandum of Law.

Respectfully submitted,

/s/ Lisa M. Carson

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/s/ Jeffrey G. Jones

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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of July, 2019, a true and correct copy of the foregoing document was electronically filed utilizing the CM/ECF system. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated below and on the electronic filing receipt.

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